

Application Serial No. 10/573,536
Reply to office action of November 24, 2009

PATENT
Docket: CU-4748

REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Claims 32-67 are pending in the present application before this amendment. By the present amendment, claims 32 and 50-67 have been amended. No new matter has been added.

In the office action (page 5), the specification stands objected to as not providing proper antecedent basis for the claimed subject matter. In response the applicants have amended claim 50 to conform to the invention as set forth of the specification. Therefore, withdrawal of the outstanding objection is respectfully requested.

In the office action (page 6), claims 50-67 stand rejected under 35 U.S.C. §112, ¶2 as being indefinite. In response the applicants have amended claim 50 to particularly point out and distinctly claim the subject matter of the presently claimed invention. Therefore, withdrawal of the outstanding rejection is respectfully requested.

In the office action (page 7), claims 32-67 stand rejected under 35 U.S.C. §101 as lacking patentable utility, and thus being non-statutory subject matter. In response, the applicants have amended claim 32 (and similarly claim 50) to read as follows, inter alia:

--a processor and a memory, the memory having stored thereon:--

Accordingly, since independent claims 32 and 50 have been amended to include a --processor-- and a --memory--, which the examiner apparently clearly understand as being physical hardware devices, the applicants additionally respectfully submit that the rejection under 35 USC 101 is now overcome and should therefore be respectfully

Application Serial No. 10/573,536
Reply to office action of November 24, 2009

PATENT
Docket: CU-4748

withdrawn for the reasons mentioned above. Support for the limitations added to claims 32 and 50 can be at least be found in the specification at least at page 34, lines 25-30 in which it is disclosed that the presently claimed invention can executed by a computer program (i.e. processor and memory). Also, we believe support for this amendment in inherent from the description in the specification for determining and providing content to a user terminal from metadata. Accordingly, the amendments to claims 32-67 are fully supported by the specification. Therefore, withdrawal of the outstanding objection is respectfully requested.

103(a) Rejections

In the office action (page 9), claims 32-43, 49-61 and 67 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Publication No. 2004/0220926 (Lamkin) in view of U.S. Patent No. 7,185,049 (Benitez). The "et al." suffixes are omitted from the Lamkin and Benitez reference names. Also, in the office action (page 16), claims 44-48 and 62-66 stand rejected under 35 U.S.C. §103(a) as being obvious over Lamkin in view of Benitez and U.S. Patent No. 7,055,168 (Errico). The "et al." suffix is omitted from the Errico reference name.

The applicants have amended claim 32 (and similarly claim 50) to further clarify the presently claimed invention and to traverse the examiner's rejection.

The examiner states that Lamkin searches the web using crawling search engines (Lamkin [203]), which "searches for content using automated agent and stores the content based on a set pf presentation rules or user profile" (OA page 4). Then the examiner states; "Lamkin is able to collect content without a specific request from a user" (OA page 4). The examiner apparently agrees with the applicants, where

Application Serial No. 10/573,536
Reply to office action of November 24, 2009

PATENT
Docket: CU-4748

applicants states; "Lamkin **must** receive a **"request"** for content from a **"terminal"**, then **"search"** for a plurality of entities associated therewith from the request, and finally **"collect"** the plurality of entities because processes of Lamkin is initiated by the **"request"** (No request, no subject to collect), because the examiner **only** rebuts this above argument by stating the present application appears to also receive a request (OA page 3). However, the presently claimed invention has amended claim 32 (and similarly claim 50) to eliminate any searching requirement with or without a request from a user terminal. Also, these claims have been amended to generate the content for a respective user terminal **without** receiving a request and without any need for searching for the determined content for providing the respective content matched to the respective terminal.

In order to clarify this above described aspect of the presently claimed invention, claim 32 (and similarly claim 50) has been amended and now recites inter alia:

—a providing unit for providing the determined contents to the user terminal **without receiving a request from the user terminal and without any searching for the determined contents**—.

Nowhere in Lamkin, as applicants believe is understood by the examiner above, discloses or suggests the presently claimed invention of claim 32 (and similarly claim 50) as amended. The Benitez and/or Errico reference fails to cure this defect.

In contrast, Lamkin receives a **"request"** for content from a **"terminal"**, **"searches"** for a plurality of entities associated therewith from the request, **"collects"** the plurality of entities and collection metadata, and then eventually downloading the respective entities that meet the criteria of the request from the respective terminal in response to the received request from the terminal. Lamkin **must** receive a **"request"**

Application Serial No. 10/573,536
Reply to office action of November 24, 2009

PATENT
Docket: CU-4748

for content from a “**terminal**”, then “**search**” for a plurality of entities associated therewith from the request, and finally “**collect**” the plurality of entities because processes of Lamkin is initiated by the “**request**” (No request, no subject to collect). Also, Lamkin must search for the content using search engines on the Internet prior to forming their metadata, which is done before or after a request from a user terminal (Lamkin [0200]-[0237]). Therefore, as understood to by the examiner (OA pages 3 and 4), Lamkin is **not** able to collect content without first searching the internet using crawlers and which Lamkin requires the searching to be done prior to or after receiving a specific request from a user terminal.

In contradistinction, the present invention **analyzes** the conditions of a usage environment of the user terminal based on the **package metadata** (targeting condition metadata which is capable of targeting the contents to the user terminal) **without** requiring any receiving a request from the user terminal and **without any searching for the determined contents**. Therefore, the present invention does need to search the web and the presently claimed invention does not need to receive a request for the content, search for the content and/or collect the content prior to providing the determined content for a respective user terminal. Thus, the contents in the presently claimed invention is **not** searched. Also, the determined contents are provided to the user terminal **without receiving a request from the user terminal**. Rather, the contents in the present invention are pre-existed and the pre-existed contents are then **targeted** to the user terminal based on the conditions of a usage environment of the user terminal.

Thus, nowhere in Lamkin teaches or discloses the features of claim 32 of the

Application Serial No. 10/573,536
Reply to office action of November 24, 2009

PATENT
Docket: CU-4748

presently claimed invention, which recites inter alia: --a providing unit for providing the determined contents to the user terminal without receiving a request from the user terminal and without any searching for the determined contents--. Therefore, an indication of allowable subject matter with respect to claim 32 is respectfully requested.

As to claims 33-49, the applicants respectfully submit that these claims are allowable at least since they depend from claim 32, which is now considered to be in condition for allowance for the reasons above.

As to independent claim 50, independent claim 50 recites similar features to those found in claim 32. Therefore, for reasons analogous to those argued above with respect to claim 32, claim 50 is patentable over the applied references.

As to claims 51-67, the applicants respectfully submit that these claims are allowable at least since they depend from claim 50, which is now considered to be in condition for allowance for the reasons above for claim 32.

For the reasons set forth above, the applicants respectfully submit that claims 32-67, now pending in this application, are in condition for allowance over the cited references. Accordingly, the applicants respectfully request reconsideration and withdrawal of the outstanding rejections and earnestly solicit an indication of allowable subject matter.

This amendment is considered to be responsive to all points raised in the office action.

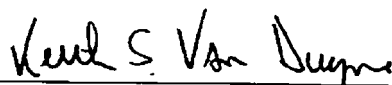
Application Serial No. 10/573,536
Reply to office action of November 24, 2009

PATENT
Docket: CU-4748

Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,

Dated: February 24, 2010


Keith S. Van Duyne, Reg. No. 54,505
Ladas & Parry LLP
224 South Michigan Avenue
Chicago, Illinois 60604
(312) 427-1300